

12 Barnett Rd. West
Monroe, New York 10950
August 04, 2014

Via Pro Se Clerk

Hon. Nelson S. Román
United States District Judge
United States District Court
300 Quarropas Street
White Plains, New York 10601

Re: *Scheuering v. Slaughter, et al.*, No. 14 Civ. 932 (NSR)

Dear Honorable Román:

In response to Attorney Michael J. Byars letter dated 07/31/2014 to his Honor, plaintiff answers in the following:

For no logical reason other than to muddy the waters, Mr. Byars is suggesting that plaintiff had initiated a motion for summary judgment when in fact it was he who started the process – see enclosure.

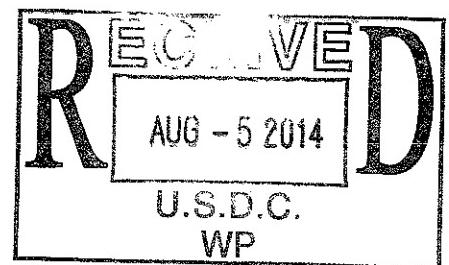
Plaintiff did not object to Mr. Byars not following his Honor's rules then with said motion and nor is plaintiff objecting now. An abeyance to this matter would be irresponsible and unfair to the plaintiff who has shown thus far that efficiency in this case is a primary interest.



Carl A. Scheuering, Plaintiff

Enclosure: Notice by Byars dated 06/23/2014

cc: Lawrence S. Elbaum, Esq. (via ECF)



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARL A. SCHEUERING,

Plaintiff,

v.

UNITED STATES OF AMERICA, HENRY
SLAUGHTER, JIM GRIMES, MAUREEN GREEN,
MAUREEN A. JUDGE, BILL R. BANOWKSY,
VANESSA FLEMING, GERARD BOUCHER,
ESTHER GONZALEZ, R. DETORO, and LAYNE
CARVER,

Defendants.

ECF CASE

14 Civ. 932 (NSR)

**NOTICE TO PRO SE LITIGANT
WHO OPPOSES A RULE 12
MOTION SUPPORTED BY
MATTERS OUTSIDE
THE PLEADINGS**

The defendants in this case have moved to dismiss or for judgment on the pleadings pursuant to Rule 12(b) or 12(c) of the Federal Rules of Civil Procedure, and have submitted additional written materials. This means that the defendants have asked the Court to decide this case without a trial, based on these written materials. You are warned that the Court may treat this motion as a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. For this reason, THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION ON TIME by filing sworn affidavits as required by Rule 56(c) and/or other documents. The full text of Rule 56 of the Federal Rules of Civil Procedure is attached.

In short, Rule 56 provides that you may NOT oppose the defendants' motion simply by relying upon the allegations in your complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendants and raising specific facts that support your claim. If you have proof of your claim, now is the time to submit it. Any witness statements must be in the form of affidavits. An affidavit is a sworn statement of fact based on personal knowledge stating facts that would be admissible in evidence at trial. You may submit

your own affidavit and/or the affidavits of others. You may submit affidavits that were prepared specifically in response to defendants' motion.

If you do not respond to the motion on time with affidavits and/or documents contradicting the facts asserted by the defendants, the Court may accept defendants' facts as true. Your case may be dismissed and judgment may be entered in defendants' favor without a trial.

If you have any questions, you may direct them to the Pro Se Office.

Dated: New York, New York
June 23, 2014

PREET BHARARA
United States Attorney

By: s/ Michael J. Byars
MICHAEL J. BYARS
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-2793
Facsimile: (212) 637-2717
E-mail: michael.byars@usdoj.gov